

103^D CONGRESS
2^D SESSION

H. R. 5246

To amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1994

Mr. GEJDENSON (for himself and Mr. GILMAN) introduced the following bill;
which was referred to the Committee on Foreign Affairs

OCTOBER 7, 1994

Committee on Foreign Affairs discharged; considered and passed

A BILL

To amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Narcotics
5 Control Corrections Act of 1994”.

1 **TITLE I—INTERNATIONAL NARCOTICS**
2 **CONTROL**

3 **SEC. 101. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT**
4 **OF 1961.**

5 (a) USE OF HERBICIDES FOR AERIAL ERADI-
6 CATION.—Section 481(d) of the Foreign Assistance Act
7 of 1961 (22 U.S.C. 2291(d)) is amended—

8 (1) by striking paragraph (2); and

9 (2) by redesignating paragraphs (3) and (4) as
10 paragraphs (2) and (3), respectively.

11 (b) DEFINITIONS.—Section 481(e) of that Act (22
12 U.S.C. 2291(e)) is amended—

13 (1) in the matter preceding paragraph (1), by
14 striking “Except as provided in sections 490(h) and
15 (i) with respect to the definition of major illicit drug
16 producing country and major drug-transit country,
17 for” and inserting “For”;

18 (2) by amending paragraph (2) to read as
19 follows:

20 “(2) the term ‘major illicit drug producing
21 country’ means a country in which —

22 “(A) 1,000 hectares or more of illicit
23 opium poppy is cultivated or harvested during
24 a year;

1 “(B) 1,000 hectares or more of illicit coca
2 is cultivated or harvested during a year; or

3 “(C) 5,000 hectares or more of illicit can-
4 nabis is cultivated or harvested during a year,
5 unless the President determines that such illicit
6 cannabis production does not significantly affect
7 the United States;”;

8 (3) by striking “; and” at the end of paragraph
9 (5);

10 (4) by redesignating paragraph (6) as para-
11 graph (8); and

12 (5) by inserting after paragraph (5) the follow-
13 ing new paragraphs:

14 “(6) the term ‘precursor chemical’ has the same
15 meaning as the term ‘listed chemical’ has under
16 paragraph (33) of section 102 of the Controlled Sub-
17 stances Act (21 U.S.C. 802(33));

18 “(7) the term ‘major money laundering country’
19 means a country whose financial institutions engage
20 in currency transactions involving significant
21 amounts of proceeds from international narcotics
22 trafficking; and”.

23 (c) ADVANCE NOTIFICATION OF TRANSFER OF
24 SEIZED ASSETS.—Section 482 of that Act (22 U.S.C.

1 2291a) is amended by adding at the end the following new
2 subsection:

3 “(e) ADVANCE NOTIFICATION OF TRANSFER OF
4 SEIZED ASSETS.—The President shall notify the appro-
5 priate congressional committees at least 10 days prior to
6 any transfer by the United States Government to a foreign
7 country for narcotics control purposes of any property or
8 funds seized by or otherwise forfeited to the United States
9 Government in connection with narcotics-related activ-
10 ity.”.

11 (d) REALLOCATION OF FUNDS WITHHELD FROM
12 COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO
13 HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.—
14 Section 486 of that Act (22 U.S.C. 2291e) is amended—

15 (1) by striking “(a) ADDITIONAL ASSISTANCE
16 FOR COUNTRIES TAKING SIGNIFICANT STEPS.—”;

17 (2) by striking “security assistance” in the
18 matter preceding paragraph (1) of subsection (a)
19 and inserting “assistance under this Act”;

20 (3) in paragraph (2) of subsection (a)—

21 (A) in the heading, by striking “SECU-
22 RITY” and inserting “OTHER”; and

23 (B) by striking “security”; and

24 (4) by striking subsection (b).

1 (e) PROHIBITION ON ASSISTANCE TO DRUG TRAF-
2 FICKERS.—Section 487(a)(1) of that Act (22 U.S.C.
3 2291f(a)(1)) is amended by inserting “to” after “relat-
4 ing”.

5 (f) REPORTING REQUIREMENTS.—

6 (1) IN GENERAL.—Section 489 of that Act (22
7 U.S.C. 2291h) is amended—

8 (A) in the section heading, by striking
9 **“FOR FISCAL YEARS 1993 AND 1994”** and in-
10 serting **“FOR FISCAL YEAR 1995”**;

11 (B) in subsection (a)—

12 (i) in the matter preceding paragraph
13 (1), by striking “April 1” and inserting
14 “March 1”; and

15 (ii) in paragraph (3)—

16 (I) by striking subparagraph (B);
17 and

18 (II) by redesignating subpara-
19 graphs (C) and (D) as subparagraphs
20 (B) and (C), respectively;

21 (C) by striking subsection (c);

22 (D) by redesignating subsection “(d)” as
23 subsection “(c)”; and

24 (E) by amending subsection (c) (as redes-
25 ignated) to read as follows:

1 “(c) EFFECTIVE DATE OF SECTIONS.—This section
2 applies only during fiscal year 1995. Section 489A does
3 not apply during that fiscal year.”.

4 (2) CONFORMING AMENDMENT.—Section 489A
5 of that Act (22 U.S.C. 2291i) is amended in the sec-
6 tion heading by striking “**1994**” and inserting
7 “**1995**”.

8 (g) ANNUAL CERTIFICATION PROCEDURES.—

9 (1) IN GENERAL.—Section 490 of that Act (22
10 U.S.C. 2291j) is amended—

11 (A) in the section heading, by striking
12 “**FOR FISCAL YEARS 1993 AND 1994**” and in-
13 serting “**FOR FISCAL YEAR 1995**”;

14 (B) in subsection (a)(1), by striking “(as
15 determined under subsection (h))”;

16 (C) in subsection (a)(2), by striking “April
17 1” and inserting “March 1”;

18 (D) in subsection (c), by striking “that
19 such country has taken adequate steps” and all
20 that follows and inserting “that such country
21 maintains licit production and stockpiles at lev-
22 els no higher than those consistent with licit
23 market demand, and has taken adequate steps
24 to prevent significant diversion of its licit cul-
25 tivation and production into the illicit markets

1 and to prevent illicit cultivation and produc-
2 tion.”;

3 (E) in subsection (d), by striking “45” and
4 inserting “30”;

5 (F) in subsection (g)—

6 (i) by striking “CONGRESSIONAL” and
7 all that follows through “(1) SENATE.—”
8 and inserting “SENATE PROCEDURES.—”;
9 and

10 (ii) by striking paragraph (2);

11 (G) in subsection (h)—

12 (i) in the heading, by striking “FOR
13 FISCAL YEARS 1993 AND 1994”; and

14 (ii) by striking “January 1” and in-
15 serting “November 1”; and

16 (H) by amending subsection (i) to read as
17 follows:

18 “(i) EFFECTIVE DATE OF SECTIONS.—This section
19 applies only during fiscal year 1995. Section 490A does
20 not apply during that fiscal year.”.

21 (2) CONFORMING AMENDMENT.—Section 490A
22 of that Act (22 U.S.C. 2291k) is amended—

23 (A) in the section heading, by striking
24 “1994” and inserting “1995”; and

1 (B) in the heading of subsection (g), by
2 striking “1994” and inserting “1995”.

3 **SEC. 102. CONFORMING AMENDMENTS TO OTHER LAWS.**

4 (a) EXPORT-IMPORT BANK ACT.—Section
5 2(b)(6)(C)(ii) of the Export-Import Bank Act of 1945
6 (22 U.S.C. 635(b)(6)(C)(ii)) is amended by striking “de-
7 terminated under section 490(h) or 481(e), as appropriate,”
8 and inserting “defined in section 481(e)”.

9 (b) TITLE 18, U.S.C.—Section 981(i)(1)(C) of title
10 18, United States Code, is amended by striking “para-
11 graph (1)(A) of section 481(h)” and inserting “section
12 490(a)(1)”.

13 (c) TARIFF ACT OF 1930.—Section 616(c)(2)(C) of
14 the Tariff Act of 1930 (19 U.S.C. 1616a(c)(2)(C)) is
15 amended by striking “481(h)” and inserting “490(b)”.

16 (d) CONTROLLED SUBSTANCES ACT.—Section
17 511(e)(1)(E) of the Controlled Substances Act (21 U.S.C.
18 881(e)(1)(E)) is amended by striking “481(h)” and in-
19 serting “490(b)”.

20 **SEC. 103. REPEAL OF OBSOLETE PROVISIONS.**

21 (a) 1992 INTERNATIONAL NARCOTICS CONTROL
22 ACT.—The International Narcotics Control Act of 1992
23 (Public Law 102–583) is repealed.

24 (b) 1988 INTERNATIONAL NARCOTICS CONTROL
25 ACT.—The International Narcotics Control Act of 1988

1 (which is title IV of the Anti-Drug Abuse Act of 1988;
 2 Public Law 100–690) is repealed except for the title head-
 3 ing and section 4702(a) through (f).

4 (c) 1986 INTERNATIONAL NARCOTICS CONTROL
 5 ACT.—The International Narcotics Control Act of 1986
 6 (which is title II of the Anti-Drug Abuse Act of 1986;
 7 Public Law 99–570) is repealed except for the title head-
 8 ing and section 2018.

9 **SEC. 104. EXEMPTION OF NARCOTICS-RELATED MILITARY**
 10 **ASSISTANCE FOR FISCAL YEAR 1995 FROM**
 11 **PROHIBITION ON ASSISTANCE FOR LAW EN-**
 12 **FORCEMENT AGENCIES.**

13 (a) EXEMPTION.—For fiscal year 1995, section 660
 14 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420)
 15 shall not apply with respect to—

16 (1) transfers of excess defense articles under
 17 section 517 of that Act (22 U.S.C. 2321k) ;

18 (2) funds made available for the “Foreign Mili-
 19 tary Financing Program” under section 23 of the
 20 Arms Export Control Act (22 U.S.C. 2763) that are
 21 used for assistance provided for narcotics-related
 22 purposes; or

23 (3) international military education and train-
 24 ing under chapter 5 of part II of the Foreign Assist-

1 ance Act of 1961 (22 U.S.C. 2347 and following)
2 that is provided for narcotics-related purposes.

3 (b) NOTIFICATION TO CONGRESS.—At least 15 days
4 before any transfer under subsection (a)(1) or any obliga-
5 tion of funds under subsection (a)(2) or (a)(3), the Presi-
6 dent shall notify the appropriate congressional committees
7 (as defined in section 481(e) of the Foreign Assistance
8 Act of 1961 (22 U.S.C. 2291(e)) in accordance with the
9 procedures applicable to reprogramming notifications
10 under section 634A of that Act (22 U.S.C. 2394).

11 (c) COORDINATION WITH INTERNATIONAL NARCOTICS
12 CONTROL ASSISTANCE PROGRAM.—Assistance pro-
13 vided pursuant to this section shall be coordinated with
14 international narcotics control assistance under chapter 8
15 of part 1 of the Foreign Assistance Act of 1961 (22
16 U.S.C. 2291 et seq.).

17 **SEC. 105. WAIVER OF RESTRICTIONS FOR NARCOTICS-RE-**
18 **LATED ECONOMIC ASSISTANCE.**

19 For fiscal year 1995, narcotics-related assistance
20 under part I of the Foreign Assistance Act of 1961 may
21 be provided notwithstanding any other provision of law
22 that restricts assistance to foreign countries (other than
23 section 490(e) of that Act (22 U.S.C. 2291j(e)) if, at least
24 15 days before obligating funds for such assistance, the
25 President notifies the appropriate congressional commit-

1 tees (as defined in section 481(e) of that Act (22 U.S.C.
2 2291(e)) in accordance with the procedures applicable to
3 reprogramming notifications under section 634A of that
4 Act (22 U.S.C. 2394).

5 **SEC. 106. AUTHORITY FOR ANTICRIME ASSISTANCE.**

6 (a) **POLICY.**—International criminal activities, in-
7 cluding international narcotics trafficking, money launder-
8 ing, smuggling, and corruption, endanger political and
9 economic stability and democratic development, and as-
10 sistance for the prevention and suppression of inter-
11 national criminal activities should be a priority for the
12 United States.

13 (b) **AUTHORITY.**—

14 (1) **IN GENERAL.**—For fiscal year 1995, the
15 President is authorized to furnish assistance to any
16 country or international organization, on such terms
17 and conditions as he may determine, for the preven-
18 tion and suppression of international criminal activi-
19 ties.

20 (2) **WAIVER OF PROHIBITION OF POLICE TRAIN-**
21 **ING.**—Section 660 of the Foreign Assistance Act of
22 1961 (22 U.S.C. 2420) shall not apply with respect
23 to assistance furnished under paragraph (1).

1 **SEC. 107. ASSISTANCE TO DRUG TRAFFICKERS.**

2 The President shall take all reasonable steps provided
3 by law to ensure that the immediate relatives of any indi-
4 vidual described in section 487(a) of the Foreign Assist-
5 ance Act of 1961 (22 U.S.C. 2291f(a)), and the business
6 partners of any such individual or of any entity described
7 in such section, are not permitted entry into the United
8 States, consistent with the provisions of the Immigration
9 and Nationality Act (8 U.S.C. 1101 et seq.).

10 **TITLE II—NATO PARTICIPATION ACT OF**
11 **1994**

12 **SEC. 201. SHORT TITLE.**

13 This title may be cited as the “NATO Participation
14 Act of 1994”.

15 **SEC. 202. SENSE OF THE CONGRESS.**

16 It is the sense of the Congress that—

17 (1) the leaders of the NATO member nations
18 are to be commended for reaffirming that NATO
19 membership remains open to Partnership for Peace
20 countries emerging from communist domination and
21 for welcoming eventual expansion of NATO to in-
22 clude such countries;

23 (2) full and active participants in the Partner-
24 ship for Peace in a position to further the principles
25 of the North Atlantic Treaty and to contribute to
26 the security of the North Atlantic area should be in-

1 vited to become full NATO members in accordance
2 with Article 10 of such Treaty at an early date, if
3 such participants—

4 (A) maintain their progress toward estab-
5 lishing democratic institutions, free market
6 economies, civilian control of their armed
7 forces, and the rule of law; and

8 (B) remain committed to protecting the
9 rights of all their citizens and respecting the
10 territorial integrity of their neighbors;

11 (3) the United States, other NATO member na-
12 tions, and NATO itself should furnish appropriate
13 assistance to facilitate the transition to full NATO
14 membership at an early date of full and active par-
15 ticipants in the Partnership for Peace; and

16 (4) in particular, Poland, Hungary, the Czech
17 Republic, and Slovakia have made significant
18 progress toward establishing democratic institutions,
19 free market economies, civilian control of their
20 armed forces, and the rule of law since the fall of
21 their previous communist governments.

22 **SEC. 203. AUTHORITY FOR PROGRAM TO FACILITATE TRAN-**
23 **SITION TO NATO MEMBERSHIP.**

24 (a) IN GENERAL.—The President may establish a
25 program to assist the transition to full NATO membership

1 of Poland, Hungary, the Czech Republic, Slovakia, and
2 other Partnership for Peace countries emerging from com-
3 munist domination designated pursuant to subsection (d).

4 (b) CONDUCT OF PROGRAM.—The program estab-
5 lished under subsection (a) shall facilitate the transition
6 to full NATO membership of the countries described in
7 such subsection by supporting and encouraging, inter
8 alia—

9 (1) joint planning, training, and military exer-
10 cises with NATO forces;

11 (2) greater interoperability of military equip-
12 ment, air defense systems, and command, control,
13 and communications systems; and

14 (3) conformity of military doctrine.

15 (c) TYPE OF ASSISTANCE.—In carrying out the pro-
16 gram established under subsection (a), the President may
17 provide to the countries described in such subsection the
18 following types of security assistance:

19 (1) The transfer of excess defense articles
20 under section 516 of the Foreign Assistance Act of
21 1961, without regard to the restrictions in para-
22 graphs (1) through (3) of subsection (a) of such sec-
23 tion (relating to the eligibility of countries for such
24 articles under such section).

1 (2) The transfer of nonlethal excess defense ar-
2 ticles under section 519 of the Foreign Assistance
3 Act of 1961, without regard to the restriction in
4 subsection (a) of such section (relating to the jus-
5 tification of the foreign military financing program
6 for the fiscal year in which a transfer is authorized).

7 (3) Assistance under chapter 5 of part II of the
8 Foreign Assistance Act of 1961 (relating to inter-
9 national military education and training).

10 (4) Assistance under section 23 of the Arms
11 Export Control Act (relating to the “Foreign Mili-
12 tary Financing Program”).

13 (d) DESIGNATION OF PARTNERSHIP FOR PEACE
14 COUNTRIES EMERGING FROM COMMUNIST DOMINA-
15 TION.—The President may designate countries emerging
16 from communism and participating in the Partnership for
17 Peace, especially Poland, Hungary, the Czech Republic,
18 and Slovakia, to receive assistance under the program es-
19 tablished under subsection (a) if the President determines
20 and reports to the Committee on Foreign Affairs of the
21 House of Representatives and the Committee on Foreign
22 Relations of the Senate that such countries—

23 (1) are full and active participants in the Part-
24 nership for Peace;

1 (2) have made significant progress toward es-
2 tablishing democratic institutions, a free market
3 economy, civilian control of their armed forces, and
4 the rule of law;

5 (3) are likely (in the near future) to be in a po-
6 sition to further the principles of the North Atlantic
7 Treaty and to contribute to the security of the
8 North Atlantic area; and

9 (4) are not selling or transferring defense arti-
10 cles to a state that has repeatedly provided support
11 for acts of international terrorism, as determined by
12 the Secretary of State under section 6(j) of the Ex-
13 port Administration Act of 1979.

14 (e) NOTIFICATION.—At least 15 days before des-
15 ignating any country pursuant to subsection (d), the
16 President shall notify the appropriate congressional com-
17 mittees in accordance with the procedures applicable
18 under section 634A of the Foreign Assistance Act of 1961.

19 (f) DETERMINATION.—It is hereby determined that
20 Poland, Hungary, the Czech Republic, and Slovakia meet
21 the criteria required in paragraphs (1), (2), and (3) of
22 subsection (d).

23 **SEC. 204. ADDITIONAL AUTHORITIES.**

24 (a) ARMS EXPORT CONTROL ACT.—The President is
25 authorized to exercise the authority of sections 63 and 65

1 of the Arms Export Control Act with respect to any coun-
2 try designated under section 203(d) of this title on the
3 same basis authorized with respect to NATO countries.

4 (b) OTHER NATO AUTHORITIES.—The President
5 should designate any country designated under section
6 203(d) of this title as eligible under sections 2350c and
7 2350f of title 10, United States Code.

8 (c) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that, in the interest of maintaining stability and pro-
10 moting democracy in Poland, Hungary, the Czech Repub-
11 lic, Slovakia, and any other Partnership for Peace country
12 designated under section 203(d) of this title, those coun-
13 tries should be included in all activities under section 2457
14 of title 10, United States Code, related to the increased
15 standardization and enhanced interoperability of equip-
16 ment and weapons systems, through coordinated training
17 and procurement activities, as well as other means, under-
18 taken by the North Atlantic Treaty Organization members
19 and other allied countries.

20 **SEC. 205. REPORTING REQUIREMENT.**

21 The President shall include in the report required by
22 section 514(a) of Public Law 103–236 (22 U.S.C. 1928
23 note) the following:

24 (1) A description of all assistance provided
25 under the program established under section 203(a),

1 or otherwise provided by the United States Govern-
2 ment to facilitate the transition to full NATO mem-
3 bership of Poland, Hungary, the Czech Republic,
4 Slovakia, and other Partnership for Peace countries
5 emerging from communist domination designated
6 pursuant to section 203(d).

7 (2) A description on the basis of information re-
8 ceived from the recipients and from NATO of all as-
9 sistance provided by other NATO member nations or
10 NATO itself to facilitate the transition to full NATO
11 membership of Poland, Hungary, the Czech Repub-
12 lic, Slovakia, and other Partnership for Peace coun-
13 tries emerging from communist domination des-
14 ignated pursuant to section 203(d).

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